IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 245 OF 2005

Hunaji L.Makrand. ... Appellant.

Versus.

Municipal Corporation of
Greater Mumbai. ... Respondents.

Shri M.K.Jain for the Appellant.

Ms.Joglekar for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 11th April, 2005.

P.C.:

1. The learned Counsel for the Appellant states that after this Appeal was preferred, the Respondent-Corporation has served on the Appellant a notice under section 351 of the Mumbai Municipal Corporation Act 1888 and that the Appellant has submitted a reply to the said notice.

2. The prayer made in the Notice of Motion No.4661 of 2004 was that the Respondent-Corporation should be restrained from removing the suit structure without following due process of law. By issuing the notice under section 351 of the said Act of 1888, due process of law has been followed. Hence nothing survives in this Appeal. The Appeal is accordingly dismissed with no order as to costs.

Judge.